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## 1 — EPA 'absolutely, deeply sorry' for mine spill, Albuquerque Journal, 8/12/2015

<http://www.abqjournal.com/627002>

The top U.S. Environmental Protection Agency official apologized Tuesday on behalf of her department for spilling 3 million gallons of mining sludge that fouled the Animas and San Juan rivers, saying the spill "pains me to no end."

## 2 — Clear water no comfort to farmers, Albuquerque Journal, 8/12/2015

<http://www.abqjournal.com/627008/news/clear-water-no-comfort-to-farmers.html>

The waters of the Animas and San Juan rivers are flowing clean and clear in San Juan County now. There is no sign of the bright yellow and orange that stained the river around here just a few days ago.

## 3 — Corps of Engineers Offers No Clear Solution For Dioxin Dump, My Fox Houston, 8/12/2015

<http://www.myfoxhouston.com/story/29763960/corps-of-engineers-offers-no-clear-solution-for-dioxin-dump>

The numbers are daunting - 17,000 truckloads of cancer causing Dioxin waste buried on 14 acres of frequently submerged San Jacinto River Shoreline very near to where the water flows into Galveston Bay.

## 4 — New Orleans' future depends on coastal restoration, but where's the money?, New Orleans Times-Picayune, 8/11/2015

[http://www.nola.com/futureofneworleans/2015/08/coastal\\_restoration\\_wheres\\_the.html#incart\\_most\\_shared-environment](http://www.nola.com/futureofneworleans/2015/08/coastal_restoration_wheres_the.html#incart_most_shared-environment)

The finalists among the slogan contest run by the Dirty Coast clothing store to commemorate Hurricane Katrina's anniversary sum up the hopes of many South Louisiana residents: "Keep Land in Our Wetlands," "Save the Boot," "The World Needs More Louisiana," "Let The River Run Through It," "Greaux the Delta, Greaux Our Home."

## 5 — Report: More protective measures recommended to protect New Orleans from strong storms, Baton Rouge Advocate, 8/12/2015

<http://theadvocate.com/news/13152202-123/report-more-protective-measures-recommended>

Marsh and oyster reef restoration near the now-closed Mississippi River Gulf Outlet along with improved methods of removing storm water from inside the New Orleans levee system could enhance storm-protection work already done since Hurricane Katrina, according to a new report released Tuesday.

## 6 — Deregulated Electricity a Mixed Bag for Consumers, Texas Tribune, 8/12/2015

<https://www.texastribune.org/2015/08/12/report-deregulated-electric-utilities-narrowing-pr/>

More than a decade ago, Texas lawmakers set the state's power market free. Longstanding rules limiting who sold electricity to whom — and how much they charged for it — were cast aside so private companies could compete for business and supposedly push down prices for consumers across the state. So did it work?

## 7 — Despite records in heat wave, Texas power grid holds steady, Dallas Morning News, 8/10/2015

<http://bizbeatblog.dallasnews.com/2015/08/despite-records-in-heat-wave-texas-power-grid-holds-steady.html/>

When Texas gets into a sustained heat wave, we all know the drill. Turn on the mist-blowing fans and hide out in air-conditioned movie theaters. If the temperature gauge creeps too far above 100 degrees, the state's grid operator will warn it's time for people to ease off their air conditioners and turn off their dishwashers.

## 8 — DHH: Chlorine levels still too low to kill deadly amoeba found in Ascension water district, Baton Rouge Advocate, 8/12/2015

<http://theadvocate.com/news/13153365-123/dhh-chlorine-levels-still-too>

An Ascension Parish water system where a brain-eating amoeba was found last month has not maintained a high enough level of chlorine aimed at ensuring the deadly organism is eliminated, Louisiana's state health officer said Tuesday.

**9 — Editorial: NM gets another mess, and sound bites, from DC, Albuquerque Journal, 8/12/2015**

<http://www.abqjournal.com/626973/opinion/nm-gets-another-mess-and-sound-bites-from-dc.html>

An estimated \$100 million cleanup has finally started pulling contamination from the underground fuel spill on Kirtland Air Force Base. The state recently received a \$73.25 million settlement from the federal government for a radiation leak at the Waste Isolation Pilot Plant in Carlsbad. And now the EPA has dumped 3 million gallons of toxic heavy-metal sludge into the Animas River. That's a lot of the wrong kind of love courtesy of Washington, D.C.

**10 — Texas could lead on Clean Power Plan (editorial), San Antonio Express-News, 8/11/2015**

<http://www.mysanantonio.com/opinion/editorials/article/Texas-could-lead-on-Clean-Power-Plan-6438264.php>

The Clean Power Plan puts coal directly in its sights, shifting energy production toward solar, wind and natural gas. Under that equation, coal-producing states do suffer economically. But guess which state is primed for success? Texas. That's right. The Lone Star State could thrive under these rules.

**11 — Water rule 'outreach' by EPA left much to be desired (editorial), The Oklahoman, 8/11/2015**

<http://newsok.com/water-rule-outreach-by-epa-left-much-to-be-desired/article/5439548>

MANY citizens think the deck is stacked against them when dealing with government regulators. The tactics of Environmental Protection Agency officials during the development of the new "Waters of the United States" rule show those critics have a point.

**12 — Estuary program is a boon for our region (editorial), Houma (LA) Today, 8/12/2015**

<http://www.houmatoday.com/article/20150812/OPINION/150819899/-1/entertainment04?p=1&tc=pg>

There aren't many places on the face of the Earth where the people and the surrounding estuaries are as integrally connected as they are in south Louisiana.

**13 — Court accuses EPA of 'filibustering' on pesticide safety, The Hill, 8/11/2015**

<http://thehill.com/policy/energy-environment/250822-court-accuses-epa-of-filibustering-on-pesticide-safety>

A federal court scolded the Environmental Protection Agency (EPA) for continually delaying a formal response to a request that it restrict a pesticide's use.

# EPA 'absolutely, deeply sorry' for mine spill

Olivier Uytendaele / Journal Staff Writer



The top U.S. Environmental Protection Agency official apologized Tuesday on behalf of her department for spilling 3 million gallons of mining sludge that fouled the Animas and San Juan rivers, saying the spill “pains me to no end.”

Gina McCarthy made the comments after federal and contract workers accidentally unleashed the spill Aug. 5 while inspecting the abandoned Gold King mine near Silverton, Colo.

The contaminated water that flowed into a tributary of the Animas and San Juan rivers contains high levels of arsenic, lead and other potentially toxic heavy metals. McCarthy expressed regret that the spill occurred.

“It is really a tragic and very unfortunate incident, and EPA is taking responsibility to ensure that spill is cleaned up,” said McCarthy, who is scheduled to visit the area sometime today. “I am absolutely, deeply sorry that this ever happened.”

## New Mexico Environment Department advisory

- Do not use wells near the San Juan and Animas rivers that could contain contamination.
- Conserve water to preserve limited water supply reserves.

- Do not eat fish caught in the San Juan and Animas rivers or water livestock with river water.

Obtain potable water at the following locations:

- Center Point Fire Station # 1 — 16 Road 2755
- Flora Vista Fire Station #1 — 2 Road 3275

Visit [NMEDRiverWaterSafety.org](http://NMEDRiverWaterSafety.org) for updates.

An EPA official predicted that an analysis of heavy metals from the San Juan and Animas rivers in New Mexico could be made public as early as today.

"We are analyzing data that was taken after the event occurred and we are hoping to have that data out as soon as possible, within the next 24 hours," said Ron Curry, EPA administrator for Regional 6, at a news conference Tuesday.

Five New Mexico water systems, including Aztec and Farmington, stopped pumping river water last weekend when sludge from the mine blowout moved into New Mexico, forcing them to rely on water storage reserves.

Officials say they are unlikely to make a decision before Monday about when the systems can resume using river water for drinking, irrigation or watering livestock.

The EPA had four teams available to test wells in New Mexico on Tuesday and plans to add three additional teams today, Curry said.

New Mexico Environment Department officials said the state agency is working with the EPA to test wells.

Gov. Susana Martinez declared a state of emergency Monday by executive order, freeing up \$750,000 in state funds for water well testing and other purposes. These funds are in addition to the \$500,000 in state emergency funds the Environment Department secured Friday.

The EPA is testing private wells, at the request of owners, to ensure that water is safe for humans and livestock, said Jared Blumenfeld, a regional EPA administrator who oversees the Navajo Nation.

"The Navajo Nation is very sparsely populated, so getting water in the best of times is difficult," he said.

The EPA has established a dozen monitoring stations between Farmington and Lake Powell in southern Utah to test water as the plume moves westward, Blumenfeld said.

The leading edge of the plume was about eight miles west of Farmington on Tuesday afternoon, moving west at 3 to 4 mph, he said. The water running through the area now appears clear compared to the garish orange stew it was a few days ago.

"Although the Gold King mine spill's heavy metals plume has mostly passed through the area, the sediments left behind are capable of influencing groundwater quality," New Mexico Environment Secretary Ryan Flynn said Tuesday.

"We are operating with an abundance of caution, on behalf of New Mexicans' health and safety, by advising that no water from San Juan County's domestic wells or from the Animas River be used for bathing, cooking, drinking, or for watering livestock or crops."

He said officials want to be certain that domestic well water is safe and that Animas River water is safe "before we would evaluate lifting our water quality safety precautions."

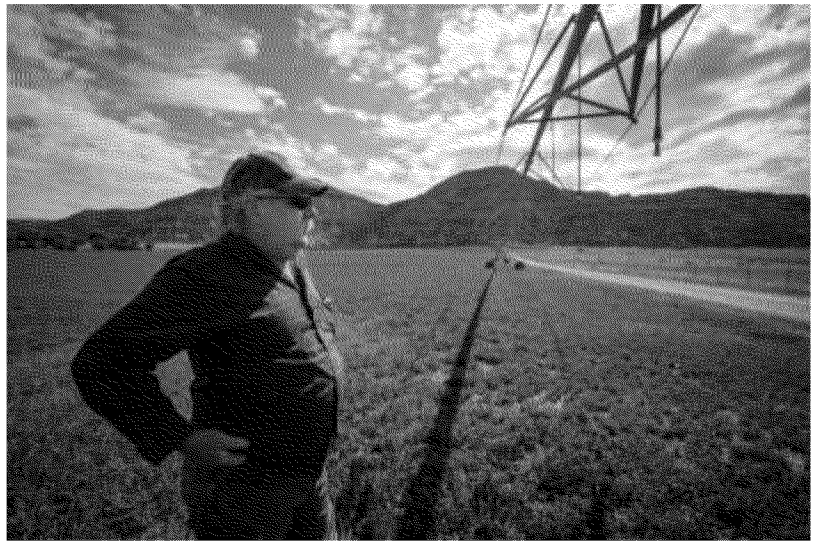
The Animas River flows into the San Juan River near Farmington, then flows west into Utah, joining the Colorado River at the north end of Lake Powell, a huge reservoir in southern Utah and northern Arizona.

Albuquerque's water supply is unaffected by the spill, officials said.

News reports of the spill is hurting tourism throughout the area, including at Navajo Lake on the San Juan River, which is 35 miles upstream from the Animas River and is unaffected by contamination.

"People are not calling, not booking," said Larry Johnson, owner of the Soaring Eagle Lodge at Navajo Lake. "The fishing is fantastic."

Members of New Mexico's congressional delegation announced Tuesday that EPA's McCarthy agreed, at their request, to travel to New Mexico and personally view the Gold King mine spill and the damage it has caused.



Despite clearer water, farmers, ranchers and homeowners such as ranch manager Bob Kinslow, above, are still wary about using water from the Animas River or any nearby wells. (Roberto E. Rosales/Albuquerque Journal)

Also on Tuesday, New Mexico Sen. Martin Heinrich said he is involved in drafting legislation to fund cleanup of abandoned mines in Colorado to prevent future spills.

Heinrich said he will "keep pushing the EPA until they make this right with the communities along the Animas River."

Mining companies today are responsible for clean up and restoration of mining sites, and most have to post a bond with the state in which they operate, Heinrich said at a news conference at Petroglyph National Monument.

Old, abandoned mining sites, however, have a different history.

"They patented federal land, got it for a song to be able to mine on it and they were profitable for many years," Heinrich said, not referring specifically to the gold mine in Colorado. "When the profits ran out, typically what many did was, they used up the assets, declared bankruptcy and disappeared. So the public got left holding the bag."

*The Associated Press and Journal staff writer Rick Nathanson contributed to this report.*



## Clear water no comfort to farmers

Ollie Reed Jr. / Journal Staff Writer



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**AZTEC** – The waters of the Animas and San Juan rivers are flowing clean and clear in San Juan County now. There is no sign of the bright yellow and orange that stained the river around here just a few days ago.

But, although the color is gone, the worry and uncertainty that came with it remain – especially for people who make their living in agriculture.

Bonnie Hopkins, San Juan County agriculture extension agent, said 2,600 hundred farms and ranches in the county and some 50,000 livestock – cattle, sheep, horses, goats, chickens and more – are affected directly or indirectly by the restrictions on river water use caused by the contamination.

It has been a good year for alfalfa at the Diamond K Bar Ranch, which sits on the Animas River in Cedar Hill, about 10 miles northeast of Aztec. In an average year, the Diamond K will get three cuttings of alfalfa, most of which the ranch sells to dairy farms in Albuquerque and Belen. This year, ranch manager Bob Kinslow was counting on four good cuttings and something out of a fifth.

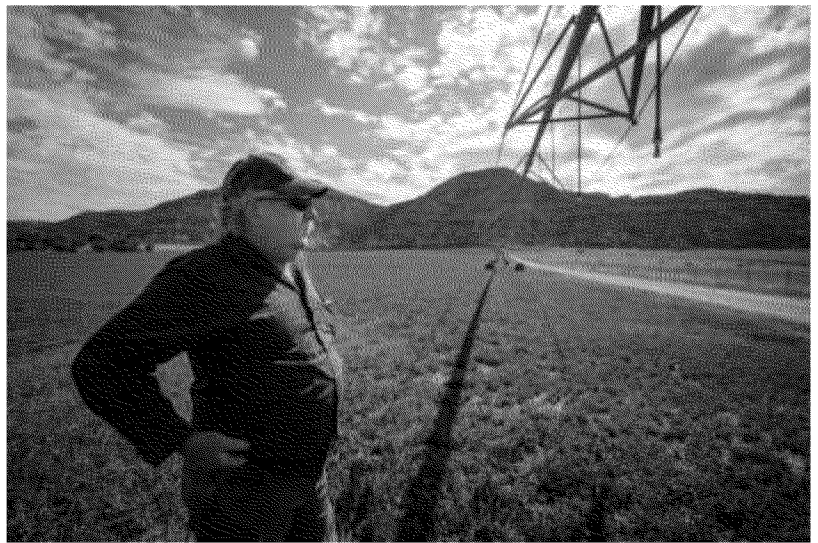
But that was before 3 million gallons of wastewater contaminated with heavy metal burst out of an abandoned mine north of Silverton, Colo., a week ago today and slithered its way into the Animas.

The Diamond K Bar Ranch gets all its irrigation water from the Animas. Warned of the torrent of contamination headed his way, Kinslow shut off his irrigation ditches on Thursday. Now the large spiraling apparatus of the ranch's irrigation system sits idle in the alfalfa fields.

"Without water, it is rock hard out there and it is just going to cook," Kinslow said of 85 acres of alfalfa that normally would have been ready to cut in two weeks. "But we are going to lose it. I can already see discoloration. And we've got a contract. We've got to try to meet that contract."

The contaminated water burst out of the Gold King mine when a contractor working with the Environmental Protection Agency accidentally broke through a containment wall.

The EPA and New Mexico Environment Department have been testing water along the Animas in New Mexico and along the San Juan River from the point where the Animas flows into the San Juan near Farmington.



Bob Kinslow, manager of the Diamond K Bar Ranch, has been forced to shut down the water used to irrigate fields that produce hay for customers near Albuquerque and Belen. (Roberto E. Rosales/Albuquerque Journal)

Public meetings have been held at the Farmington Civic Center to keep area residents apprised of developments. But, so far, all they have been able to tell people is not to use domestic or irrigation water from the Animas and affected areas of the San Juan, or water from wells near those rivers.

Kinslow takes that seriously. Since the Diamond K Bar's alfalfa goes to feed dairy cows, he doesn't dare put water that might be contaminated on the ranch's fields. "If I did that, I would never sell another bale," he said. "So, we're just sitting here idle. We've got 35 to 40 acres plowed up and ready to plant, but we can't plant anything without water. It's just one of those things. And nobody will give us a straight answer."

Not everyone takes the warnings to avoid using the water as seriously as Kinslow does.

Michael Nix, a retired oil field worker, and wife Vadna live near the Animas in Center Point just northeast of Aztec. They get water from a well about a half mile from the river and continue to use that water for laundry, for watering plants, for bathing, to water their two small dogs and as drinking water for themselves.

"It doesn't taste or smell any different," Vadna Nix said.

Michael Nix said he is not worried because he does not believe his well is in the floodplain of the Animas. "I know I don't pay any flood insurance," he said.

But Cynthia Beard, who lives next door and gets her water from the same well, will not have anything to do with the water.

"I was on the way to Denver when I heard about the spill ...," she said. "I texted my husband, 'Do not drink the water. Do not shower.'"

Beard said she has an adopted 13-year-old child and two young foster children at home, and is taking no chances. Instead, she is using water the family camper took on during a recent camping trip in Pagosa Springs, Colo.

"They tell me not to use the water, so I'm not going to until I know it's safe," Beard said. "My husband says, 'That stuff

is gone now.' I say, 'No, those chemicals are still there.' ”

Not far away, at his home a quarter mile from the Animas, George Sisneros, a retired oil field welder, is watering his garden of squash, tomatoes, cucumbers and peppers. “But I’m not using water from my well,” he explained. “I’m watering from a pond that gets seepage from the hill east of here.”

He said that, in the 23 years he has lived here, he has always used bottled water for drinking. And, for now, he is hauling free water being made available to livestock for the seven calves, chickens and rabbits he keeps.

Sisneros said this part of the state has not been blessed with the higher-than-average amounts of rain other parts of New Mexico have seen this spring and fall, so not being able to use his own well is a problem.



George Sisneros tends his vegetable garden, which sits about 400 yards from the Animas River near Aztec, New Mexico. He is still waiting for water results to come back from being tested. (Roberto E. Rosales/Albuquerque Journal)

He said he has taken samples of his well water in for testing. “And we are going to wait until we find out.”





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## Corps of Engine Solution For Dioxin Dump

Posted: Aug 11, 2015 5:53 PM CDT  
Updated: Aug 11, 2015 5:53 PM CDT

By Greg Groogan, Special Projects Reporter [CONNECT](#)

HOUSTON (FOX 26) - The numbers are daunting - 17,000 truckloads of cancer causing Dioxin waste buried on 14 acres of frequently submerged San Jacinto River Shoreline very near to where the water flows into Galveston Bay.

The companies responsible want it to stay.

Community activists have demanded it's removal.

"This is a battle between small town Texas communities and corporate giants, plain and simple," said Jackie Young of the San Jacinto River Coalition.

Right square in the middle - the U.S. Army Corps of Engineers and their science.

In a much anticipated report the Corps determined the Superfund Site is mostly stable, despite some alarming flaws.

Rock Owens with the Harris County Attorney's Office says missing from the Corps' assessment is attention to the biggest risk.

"The thing that they didn't study and it's probably the most important thing is what happens in the event we have a catastrophic storm?" said Owens.

A storm that could rip the dump apart and spread Dioxin for miles.

One risk the Corps did assess was that posed by digging and hauling the waste way - suggesting an excavation could result in a significant release of the toxin.

But Young sees a total clean-up as by far the best of two imperfect options.

"The report clearly states that if best management practices are used the risk for release is minimal and short term," said Young.

Calling the site "a loaded gun" Harris County's Owens says leaving the waste in place threatens the health of thousands.

"Lets get this stuff out of there. It's got to go. I mean leaving it in the middle of a path of a hurricane is not the right thing to do. It doesn't make any sense," said Owens.

International Paper, one of two companies responsible for the waste offered Fox 26 the following statement:

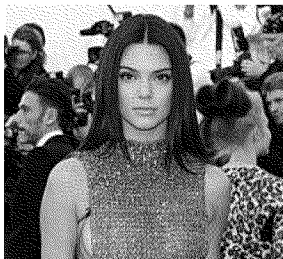
"We have worked cooperatively under the direction of US EPA following the well established superfund process that the agency follows at superfund sites across the country."

McGinnis Industrial Maintenance Corporation, an entity owned by Waste Management of Texas, is also a responsible party and submitted the following:

"As expected, this report provides a comprehensive and fact-based, independent analysis of the various remedies under EPA review for the site's final cleanup. As always, we will continue to fully follow the EPA's Superfund process and direction. We remain committed to responsibly completing the site's remediation in a manner that's safe and fully protects the public and the environment."

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# New Orleans' future depends on coastal restoration, but where's the money?



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Charles Sutcliffe, with the governor's Office of Coastal Activities, walks past a section of the 12-mile long pipe that is being used to pump Mississippi River sediment into the marsh. The pipeline project is part of the state's \$50 billion/50-year Master Plan for coastal protection and restoration. The Louisiana Coastal Protection and Restoration Authority (CPRA) led this tour of the pipeline-based rebuilding effort south of Lake de Cade, Louisiana, on the west side of the Mississippi River on Friday, May 15, 2015. (Photo by Chris...

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By [Mark Schleifstein, NOLA.com | The Times-Picayune](#) [Print](#) [Email](#)  
[Email the author](#) | [Follow on Twitter](#)  
 on August 11, 2015 at 11:56 AM, updated August 11, 2015 at 12:08 PM

The finalists among the slogan contest run by the [Dirty Coast](#) clothing store to commemorate Hurricane Katrina's anniversary sum up the hopes of many South Louisiana residents: "Keep Land in Our Wetlands," "Save the Boot," "The World Needs More Louisiana," "Let The River Run Through It," "Greux the Delta, Greux Our Home."

Those demands are the ones the state [Legislature](#) has recognized by supporting the state's [Master Plan](#), a \$50 billion, 50-year outline that split its proposed resources between coastal restoration and flood protection.

But even state officials acknowledge they picked the \$50 billion price tag because that's the most they believed the state could raise in the first 50

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years. Inflation alone has increased that price, some say, and combined with delays in the most significant projects – including major [Mississippi and Atchafalaya river diversions](#) – has likely raised the cost to at least \$100 billion.

Just where is all this money going to come from? That's a key question for the future of New Orleans and most of the region.

- **[See chart: Where is the money?](#)**

"A lack of adequate, sustainable and reliable funding will limit the scope and timeliness of execution of the plan," warned Kimberly Reyher, executive director of the [Coalition to Restore Coastal Louisiana](#). The non-profit organization was key in pushing the state to create the plan and the [Coastal Protection and Restoration Authority](#) (CPRA), which will implement it.

"In the long term, sustaining our coast will require a sustained federal, state and local investment and support, as well as the willingness of private interests to invest in their own protection – and to attract these dollars, we will need to show results," Reyher said. "In the near term, there will be pressures at both state and federal levels to use available dollars for purposes other than coastal restoration and protection. It will be critical that our leaders resist that temptation."

Until this year, finding a long-term stream of money to pay for Master Plan projects has had only limited success since 2007, when the first version of the plan was approved.

Those prospects are changing as the state nears a global settlement of Deepwater Horizon oil spill claims with oil giant BP. That may finally give the state enough money to guarantee at least the start of construction of many of the restoration projects.

#### **BP settlement to bring billions to restoration**

According to [Kyle Graham](#), executive director of the coastal authority, the proposed settlement – combined with money from earlier plea agreements by BP and its drilling partners – will deliver at least \$7.7 billion to the state for restoration over the next 16 years.

Louisiana coastal parishes will get additional millions of dollars from Clean Water Act fines and for economic losses as part of the settlement. Most will likely spend much of that on coastal restoration. New Orleans, for example, plans to use its share of the fines and at least part of its economic damage settlement to pay for projects like [restoring wetlands adjacent to the Lower 9<sup>th</sup> Ward](#) in New Orleans and Arabi in St. Bernard Parish.

The state also expects to receive about \$140 million a year in federal offshore oil revenue, beginning in 2017, under the federal [Gulf of Mexico Energy Security Act](#), Graham said. That could add another \$2.1 billion for coastal work through 2032.

Other money streams for restoration projects that rely on Congressional approval are less certain, though Graham believes they're sure enough to be added to any list of state financial resources. These include the 25-year-old [Coastal Wetlands Planning, Protection and Restoration Act](#), which provides about \$70 million to \$90 million a year.

The federal government pays 85 percent of those project costs, with the state paying the remaining 15 percent. The program is scheduled to expire in 2019, but has been reauthorized by Congress several times in the past.

Yet adding all of these funds together, there's still a shortfall of between \$200 million and \$300 million a year needed for the restoration half of the Master Plan, officials say.

U.S. Rep. [Garret Graves](#), R-Baton Rouge, who was chair of the CPRA before running for his congressional seat last year, says finding that additional money requires a paradigm shift by the federal and state governments.

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"Some say that the feds can't afford additional funds," Graves said. "I'd say that they can't afford not to."

He said the federal government spends more responding to disasters than if they invested in "making areas more resilient on the front end," he said. "From a fiscal perspective, it makes substantially more sense to make principled investments on protection projects before disasters occur."

One such alternative is getting Congress to fund the \$1.9 billion Louisiana Coastal Arca ecosystem restoration plan. It was authorized in 2007, but Congress has actually dedicated only \$10 million.

Graham said he also expects the state to return to a practice of shouldering part of the restoration costs itself.

To date, he said, more than \$13 billion has been spent on Master Plan projects, with most of that money coming from federal funding for the New Orleans area post-Katrina levee improvements.

### **Carbon credits to pay for coast**

The state is also exploring out-of-the-box options, such as creating carbon sequestration credits linked to restoration projects.

In March, New Orleans-based Tierra Resources, Entergy Corp. and the ClimateTrust released a study concluding that the state could earn up to \$1.6 billion for coastal restoration projects over the next 50 years by selling credits for storing carbon in wetland plants and soils. The credits could be sold to private landowners and businesses, here and elsewhere, that create their own projects or who participate in publicly-financed projects.

Buyers of the credits would include businesses that now must reduce carbon emissions in California under the nation's first "cap and trade" program aimed at reducing greenhouse gases. The credits also could be sold in existing voluntary markets to businesses or individuals interested in offsetting their carbon "footprint."

Louisiana also is attempting to direct to state projects any mitigation required in exchange for development projects that destroy wetlands, Graham said.

Another alternative is creating public-private partnerships with insurance companies or other investors, to pay for coastal work and levee improvements, said Graves.

"For example, the concept of neighborhoods or 'polders' paying flood insurance premiums to private insurers that in turn improve flood protection, thereby lowering their actuarials (their liability), can make a lot of sense," he said. "You could effectively bond out the flood premiums."

National recognition of the danger to Mississippi River shipping posed by coastal erosion could also provide future money sources, said Donald Boesch, president of the University of Maryland Center for Environmental Science and a member of the National Commission on the BP Deepwater Horizon Oil Spill.

"The potentially big game changer as far as I can see is the national willingness to address the loss of control of navigation through the river mouth as the Plaquemines-Balize delta slips below the waves," Boesch said of the threat to the river's mouth from sea level rise.

Not so optimistic is University of Missouri of Science and Technology engineering professor J. David Rogers, who served on a National Science Foundation-funded forensic investigation team that studied the failures of levees in New Orleans during Katrina.

"I can't see our nation rolling up their sleeves and engaging in any serious problem solving any more," Rogers said. "We just throw stuff back and forth at one another."

After Katrina, he said, he traveled across Louisiana showcasing ways to save portions of the sinking delta. "Everyone liked the presentations, so long as someone else, like Uncle Sugar in Washington, pays for them," he said. Back in Missouri, residents would point to New Orleans and argue no one should live below sea level and expect the government to bail them out.

But Rogers said everyone in the Mississippi River drainage basin ought to pay to maintain a waterway that moves \$300 million a day in products -- much of it benefiting the Midwest.

### **Lawsuits may provide other funds**

Money may also end up in restoration coffers from several ongoing lawsuits.

Louisiana has sued the Army Corps of Engineers and the federal government seeking all \$3 billion the corps estimates it will cost to restore wetlands along the MR-GO.

The chief of the corps approved the project in 2013, but halted federal efforts when the state refused to pay a 35 percent share of the cost. Louisiana maintains Congress directed the corps to pay the total bill. The suit is in its early stages in federal court in New Orleans.

In a second lawsuit, a U.S. Court of Claims judge in Washington, D.C., ruled in May that flooding aggravated by the federally-built MR-GO constituted a "temporary taking" of property values in St. Bernard Parish and the Lower 9<sup>th</sup> Ward.

St. Bernard Parish is one of the main plaintiffs in the suit, and could spend part of its share of any compensation for restoration of wetlands along the MR-GO. The federal judge has given the Justice Department until Oct. 9 to appeal her ruling.

The Southeast Louisiana Flood Protection Authority-East filed a separate wetlands damage lawsuit in 2013 against more than 80 oil, gas and pipeline companies, seeking to force them to either refill dredged canals and other problems, or pay for damages, with the money used for flood protection.

A federal judge dismissed the suit, saying the levee authority did not prove it had a valid claim against the companies. That decision has been appealed to the 5<sup>th</sup> U.S. Circuit Court of Appeals, which has not issued a ruling.

Finally, Plaquemines and Jefferson parishes in 2014 filed 28 "legacy lawsuits" against oil and gas companies that also would require the firms to either repair damage or pay compensation for the environmental harms.

After the dozens of oil companies named as defendants had the suits moved to federal court in New Orleans, federal judges have issued rulings in most of the cases that they properly belonged in state courts in Plaquemines and Jefferson parishes. Those cases are pending.

### **Coastal restoration: Where's the money?**

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#### **The Cost**

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\$50 billion in 50 years: Price tag in 2007 for state Master plan through 2057, including \$25 billion for coastal restoration.

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\$100 billion in 50 years: Estimated cost, some say, due to delays and inflation, with \$50 billion for restoration.

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#### **How much do we have (so-called "guaranteed" money)**

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\$7.7 billion from plea agreements, settlements with BP, partners \*, \*\*

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Estimated \$140 million/year (\$5.88 billion total) from Gulf of Mexico Energy Security Act oil revenue \*\*\*

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Up to \$90 million/year (\$3.78 billion total) from Coastal Wetlands Planning, Protection and Restoration Act \*\*\*\*, \*\*\*\*\*

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\$13.2 billion already spent, including \$11.2 billion on levees and flood protection, \$2 billion on restoration.

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#### **How much do we still need: \$19.8 billion to \$69.8 billion, depending on cost estimates**

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#### **Other potential money sources**

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Mitigation credits for state, federal wetland permits: Unknown amount.

\*\*\*\*\* Law must be renewed by Congress in 2019.

Source: Federal and state agencies; staff research

ED 000552B 00057184-00014

# Report: More protective measures recommended to protect New Orleans from strong storms



Advocate staff photo by MATTHEW HINTON—Before salt water intrusion from the the Mississippi River Gulf Outlet much of the wetlands in the area were cypress swamps that have according to John Lopez, Ph.D., the Coastal Sustainability Program Director for the Lake Pontchartrain Basin Foundation as he lead a tour of the Inner Harbor Navigation Canal Surge Barrier by the Mississippi River Gulf Outlet and Gulf Intracoastal Waterway in St. Bernard and New Orleans, La. Tuesday, Aug. 11, 2015.

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By AMY WOLD

[awold@theadvocate.com](mailto:awold@theadvocate.com)

Marsh and oyster reef restoration near the now-closed Mississippi River Gulf Outlet along with improved methods of removing storm water from inside the New Orleans levee system could enhance storm-protection work already done since Hurricane Katrina, according to a new [report](#) released Tuesday.

“We’re seeing progress on a lot of fronts,” said David Muth, director of the National Wildlife Federation’s Gulf restoration program. “We have a long way to go.”

Much of the message around the 10th anniversary of Hurricane Katrina this year has been that the city is back, thriving and safer than ever, said Cynthia Sarthou, executive director of the Gulf Restoration Network.

“The truth is we’re not safer than ever. We’re safer than we were a day before Hurricane Katrina,” she said.

The wetlands outside the massive levee system haven't been restored and without that, as well as better work to handle drainage within New Orleans, levees can still be overtopped and flooding within the city can still occur.

"Evacuation is always going to be a part of sustainability," she said.

Sarthou said she's heard talk about people not having to evacuate if a Category 2 storm is approaching because the levees are so much stronger. But there are limits to what levees can protect against.

"We are a coastal city more and more every day, and we really need to think like that," she said. "There is a segment of the population who believe they don't have to evacuate anymore."

Shortly after hurricanes Katrina and Rita ravaged south Louisiana, the "multiple lines of defense strategy" — which calls for the rebuilding of barrier islands, coastal wetlands and forested ridges of land as well as levees and better water management inside levees — began to get traction as a way of taking some energy out of storm surge.

"Pieces of the multiple lines of defense strategy are falling into place," Muth said.

Flying over the Lower 9th Ward this week, Muth pointed out coastal restoration work the report recommends to give additional protection to New Orleans. All are included in the state's master plan and some are on the state's list to possibly receive Deepwater Horizon settlement money.

Projects include the marsh creation and oyster reef restoration as well as marsh creation in an area of west St. Bernard Parish known as the Golden Triangle Marsh.

"Compared to the Barataria-Terrebonne basin, it's eroding much more slowly," he said. "Investment here in restoration or oyster reefs is a good long-term investment."

Other recommendations include the need to find long-term funding to maintain and improve levee systems and to increase work on non-levee options such as raising homes and increasing building code standards.

The report also highlights the need to rethink storm water runoff within the New Orleans levee system. Instead of trying to direct water into concrete-lined channels and pumping the water out of the city, methods must be implemented to retain water in a safe way so it can be gradually released.

"Just as levees alone are not enough, just pumping (the water out) is not enough,"

Sarthou said. “There needs to be an acknowledgement that we need to live with water, because we’re not going to be able to pump it all out fast enough to keep from flooding.”

The report, “10th Anniversary of Katrina: Making New Orleans a Sustainable Delta City for the Next Century,” is from the MRGO Must Go Coalition.

The report noted that in the 10 years since Hurricane Katrina, \$14 billion in improvements have been done to the levee system around New Orleans and the Mississippi River Gulf Outlet, blamed for decades of marsh loss, has been closed.

The outlet, known commonly as MRGO, was widely blamed for providing straight-line access for storm surge to travel from the Gulf of Mexico to New Orleans. In the same legislation that authorized the channel to be closed in 2009, Congress authorized restoration work on wetlands the channel had harmed or destroyed in the previous decades. Congress has not authorized funding for that work as of yet.

“The new structures that have been built to block flow and storm surge in the MRGO are huge accomplishments, but the legacy of its impact on wetlands has yet to be addressed in earnest,” according to the report.

Follow Amy Wold on Twitter, @awold10.

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# ★ THE TEXAS TRIBUNE

## Deregulated Electricity a Mixed Bag for Consumers

by Jim Malewitz | Aug. 12, 2015 | 4 Comments

[Enlarge](#)

More than a decade ago, Texas lawmakers set the state's power market free. Longstanding rules limiting who sold electricity to whom — and how much

they charged for it — were cast aside so private companies could chase customers, competing for business in a free-market bonanza that would supposedly push down prices for consumers across the state.

So did it work?

Texans who take the time to sort through the options are finding decent deals in the state's deregulated electricity market, a new report says. But the average customer in deregulated Texas — about 85 percent of the state — continues to pay far more for electricity than folks served by monopoly utilities in

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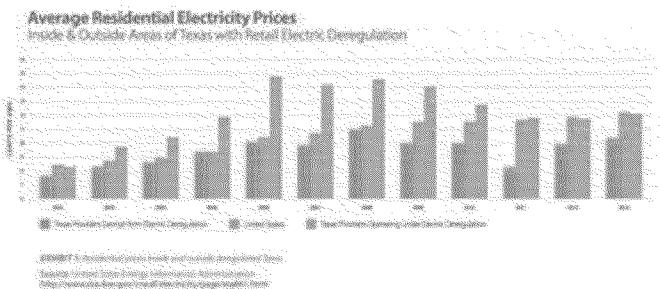
cities like Austin and San Antonio, according to the most recent data available.

In a report released Wednesday, the Texas Coalition for Affordable Power, which advocates for cities and other local governments, analyzed U.S. Energy Information Administration data on residential prices stretching back to 2002, the first year most Texans were allowed to choose their electricity provider under deregulation.

In 2012 and 2013, the analysis showed, Texans in deregulated areas for the first time paid lower electric bills on average than most Americans.



But from 2002 to 2013, the average household in deregulated areas paid a total of about \$4,800 more than residents of cities — like Austin and San Antonio — served by just one municipal utility, or those served by electric cooperatives, the analysis said.



[Enlarge](#)

graphic by: Texas Coalition for Affordable Power

Though pricing data

for 2014 and 2015 was not available, the report said, Texans are increasingly finding individual deals on the deregulated market that are cheaper than what regulated utilities offer.

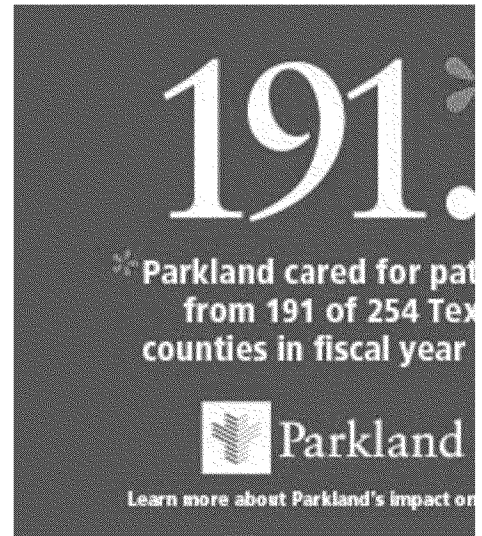
“Texans living in deregulated areas have paid too much for electricity — and the lost savings has been substantial,” Jay Doegey, the coalition's executive director, said in a statement. “But the deregulated market is improving, and the good news is that if you shop carefully, you can find good deals. These relatively low-cost deals are more common than they were in previous years.”

Nationally, Texas was the 18th cheapest state to power homes

by Alana Rocha | 3 hours 55 minutes ago

## Analysis: A Contest That's Not on the Ballot

by Ross Ramsey | 3 hours 55 minutes ago  
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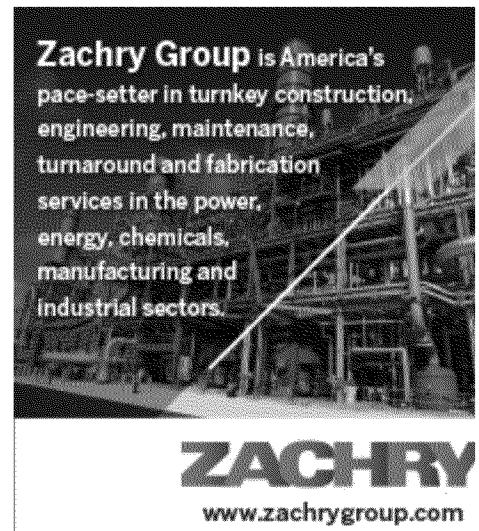


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between 2002 and 2013, the analysis said. Residents in just nine states saw cheaper prices than Texans in regulated areas during that period. Twenty-six states averaged cheaper prices than Texans in the competitive market.

Why the discrepancy? The coalition and other consumer groups suggest that continued inefficiencies, customer confusion and relatively high prices from legacy electricity providers could be to blame.

A spike in natural gas prices shortly after deregulation, followed by steep decline could have also helped shape the trend, since competitive providers locked into high-cost gas contracts and took years to recover. The coalition acknowledges that factor, but says that it doesn't account for the trend by itself.

John Fainter, president and CEO of the Association of Electric Companies of Texas, bristles at any suggestion that monopoly utilities offer Texans better deals, but agrees that the competitive market is rapidly evolving and consumers are getting used to it. A state website called Power to Choose allows consumers to compare companies' prices and complaint history.



“There’s a lot more efficiency. People are better able to manage their electric use,” Fainter said. “The [retail electric providers] are developing more products to take advantage of.”

Wednesday’s report also showed that the steadiest increase in most Texas utility bills isn’t the cost of electricity, it’s the fees charged to deliver it.

Customers can choose whom to buy power from, but monopoly power transmission companies still have to deliver it to homes and businesses. Between 2003 and 2015, the rates of two of Texas’ biggest power line companies — which are regulated by the Public Utility Commission of Texas — rose far higher than inflation, making up an increasing share of consumers’ bills.

CenterPoint, which serves the Houston area, charges nearly \$43.94 on the average monthly bill (for those using 1,000 kilowatt-hours of electricity), compared to \$24.61 in 2003.

Oncor, which serves the Dallas-Fort Worth area, increased charges to \$38.59 from \$23.01 during the same period.

One dollar today in 2002 has the buying power of \$1.30 today.

Texas rapidly grew during that time frame, Fainter pointed out, embarking on many huge transmission projects, including building new power lines to carry renewable energy and installing millions of “smart meters” to track energy use in hopes of boosting efficiency.

“All of that has to be paid for,” he said.

*Disclosure: The Association of Electric Companies of Texas and CenterPoint Energy are corporate sponsors of The Texas Tribune. Oncor was a corporate sponsor in 2012. A complete list of Tribune donors and sponsors can be viewed [here](#).*

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## Biz Beat Blog

# Despite records in heat wave, Texas power grid holds steady



James Osborne

Published: August 11, 2015 3:02 pm



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A contractor installs fuse boxes in Houston last month. (Steve Gonzales /Houston Chronicle via AP)

## Morning News.

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When Texas gets into a sustained heat wave, we all know the drill.

Turn on the mist-blowing fans and hide out in air-conditioned movie theaters. If the temperature gauge creeps too far above 100 degrees, the state's grid operator will warn it's time for people to ease off their air conditioners and turn off their dishwashers.

Except this year. Even as the Electric Reliability Council of Texas reported record after record for power demand this past week, as temperatures climbed into the mid-100s, there have been no calls for conservation. On Monday when temperatures hit 106 degrees in Dallas/Fort Worth and the grid set another all-time record at more than 69,000 megawatts, nothing.

According to ERCOT, so far this summer there has only been one conservation alert, on July 30, just as the heat wave was getting started. That's a long way from the last time the grid was setting records, during a extended heat wave in 2011 during which conservation alerts became a matter of routine and temperatures broke 100 degrees



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71 times, according to the National Weather Service .

At that time, things got so tight on the grid that industrial operations were forced to ramp down to avoid initiating rolling blackouts across the grid.

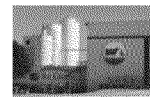
So why not now?

“The short answer is we have more generation available,” said Robbie Searcy, spokeswoman for ERCOT. “After all the discussions [about whether we had enough power], we were going into this summer with a better reserve margin than years past.”

Wind turbines have been going up fast in West Texas and the Panhandle, at the same time some new large natural gas plants have come online. According to ERCOT, the amount of generation on the grid has increased 6 percent since 2011.

What’s more, Searcy said, last year ERCOT introduced a new pricing system for when power reserves start to get tight, theoretically giving power plants greater economic incentive to come online faster.

Until last year, state power officials feared



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Texas was on the verge of a crisis. The population had swelled to 27 million people according to estimates by the U.S. Census Bureau and low power prices had slowed the construction of new generation.

But new estimates on the correlation between economic growth and power demand, along with a flood of increasingly efficient buildings and homes, has put those fears to rest for now.

Still, while Texans might be free to run their AC full blast, it doesn't mean they're happy.

With high power demand comes high power bills. In July, even as temperatures stayed below 100 degrees until late in the month, many customers would come to find they'd used far more power than they realized.

"We get the question from customers calling in and saying I couldn't have possibly used that much electricity. It hasn't been that hot," said Michael Patterson, a spokesman for TXU Energy.

The reason, Patterson tries to explain, is even if it's not getting that hot in the day the problem is how little temperatures are cooling at night. According to analysis TXU ran on federal weather data, over the past six

# DHH: Chlorine levels still too low to kill deadly amoeba found in Ascension water district

## Officials update Ascension residents on activity

by David J. Mitchell

[dmitchell@theadvocate.com](mailto:dmitchell@theadvocate.com)

DONALDSONVILLE — An Ascension Parish water system where a brain-eating amoeba was found last month has not maintained a high enough level of chlorine aimed at ensuring the deadly organism is eliminated, Louisiana's state health officer said Tuesday.

Dr. Jimmy Guidry, the health officer with the state Department of Health and Hospitals, said water in the Ascension Consolidated Utility District No. 1 has not sustained the chlorine level of 1 part per million required for a "chlorine burn."

Parish officials claimed last week that the burn had already reached the 1 ppm level and that the amoeba had been killed off.

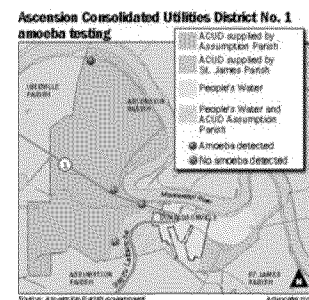
"Well, that's what they were reporting," Guidry said. "We came out and tested, and we're not in agreement there."

The finding means it will take longer for the process of the chlorine burn to finish, though state and parish officials say the water remains safe to drink.

Guidry said the mandated 60-day period for the chlorine burn won't start until the water district maintains a chlorine level of 1 ppm.

Ken Dawson, the parish chief administrative officer, acknowledged the state's finding and blamed it on a chlorine injection pump that had been incorrectly turned off shortly before the state conducted its test.

Dawson provided data showing water testing sites had been at or above the standard before the pump mishap and, more recently after DHH's testing, had returned to that required level or higher.



The state ordered the parish to conduct a 60-day chlorine burn after the amoeba was discovered July 28.

Water containing the *Naegleria fowleri* amoeba does pose a risk to people if water gets up someone's nose and has access to a person's brain. Since 2011, three deaths in Louisiana have been attributed to the amoeba, prompting DHH to order the state's water systems to raise their chlorination levels to 0.5 ppm by February 2014. Previously, only trace amounts of chlorine were required.

Under the chlorine burn, the parish has to double the state level and maintain it for 60 days.

Mixing four drops of ink in a 55-gallon barrel of water would create a 1 ppm mixture of ink, an online fact sheet from the West Virginia University National Environmental Services Center says.

The parish water system, which has miles of line but few customers, has had trouble maintaining the new state chlorination level. The system buys its water from Assumption and St. James parishes.

The water system serves the outskirts of Donaldsonville only, including the rural communities of Modeste and Lemanville as well as the Ascension Parish Prison. The amoeba was found on the Assumption-supplied side of the system near the end of the water pipeline in Modeste.

Dawson's and Guidry's comments came Tuesday evening before and after a community meeting called by state Sen. Troy Brown, D-Geismar, over the amoeba.

A few dozen residents, parish and state officials were on hand as Guidry and a DHH consulting expert talked about the amoeba and steps to address its discovery in the state.

Guidry explained that in boosting the chlorine levels, the parish, on the one hand, must strive for an increase in chlorine levels but, on the other, not let levels get too high or the high chlorine content could create byproducts that pose a long-term cancer risk. Guidry said the 1 ppm standard has been determined safe.

Leonard Julien, 73, of Modeste, asked if increased chlorine levels could harm beneficial bacteria in a person's digestive system. He said he knew of three people who had cases of severe vomiting shortly after the burn started.

Chad Seidel, the DHH consultant and vice president of Corona Environmental Consulting, said the chlorine levels do not affect people's digestive systems.

But he explained that the parish's boosted chlorine effort has come with a switch in

the chemical method of chlorine delivery. That change is noticeable, he said.

“It does not mean there is a health impact associated with it. It’s just an aesthetic change,” Seidel said.

Lois Cayette, 74, who lives in Modeste near the end of the water line, withheld her judgment on the state and parish responses.

“We’ll see,” she said after the meeting.

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## Editorial: NM gets another mess, and sound bites, from DC

Albuquerque Journal Editorial Board



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An estimated \$100 million cleanup has finally started pulling contamination from the underground fuel spill on Kirtland Air Force Base. The state recently received a \$73.25 million settlement from the federal government for a radiation leak at the Waste Isolation Pilot Plant in Carlsbad (that cleanup cost is estimated at \$500 million and the nation's only underground nuclear waste repository is still closed). And now the Environmental Protection Agency has dumped 3 million gallons of toxic heavy-metal sludge into the Animas River.

That's a lot of the wrong kind of love courtesy of Washington, D.C.

On Thursday, an EPA cleanup crew that was supposed to pump and treat contaminated water at an old Colorado gold mine instead released orange sludge into a creek that flows into the Animas. An interminable six days later — as the plume of pollution moved at least 100 miles downstream and five New Mexico water systems (including Aztec's and Farmington's) relied on reserve storage, the agency's D.C. muckety-muck decided to come see the actual muck in person.

EPA Administrator Gina McCarthy, who says the brew of lead, arsenic, cadmium, aluminum, copper and calcium "pains me to no end," plans to visit the spill today.

It's unlikely the federal government would be moving at a relatively relaxed pace when it comes to notice and outrage if a private company rather than a federal agency had caused this environmental catastrophe.

Or any of the other federal messes in the state, for that matter.

Presumably McCarthy will shower, brush her teeth and have a drink of water someplace where it's safe to do that, then make appropriately concerned comments about the newest mess the federal government has gotten New Mexico into before returning to a life where you don't have to think twice before turning on the tap.

That place would not be the Four Corners.

McCarthy says the EPA takes full responsibility for the spill and "our commitment is to get this right and make sure we are protecting public health."

That's good to hear, considering it took the EPA a full 24 hours to tell anyone here about the spill. Since then Gov. Susana Martinez has declared a state of emergency, Colorado Gov. John Hickenlooper and tribal officials in the Navajo Nation have issued disaster declarations and N.M. Environment Department Secretary Ryan Flynn has warned people not to use well water until further notice.

Unfortunately New Mexico has become well schooled in being patient as the federal government comes up with cleanup plans. The KAFB cleanup has been in the works since 1999. And a year and a half after the radiation leak, WIPP has yet to have a target date to reopen. New Mexico is home to 20 active federal Superfund sites.

The gold mine the EPA was tasked with reclaiming has been inactive since 1923. And now what was initially a 1 million gallon spill has tripled in size; towns, cities and the Navajo Nation have been forced to close their intake valves to protect public water supplies for people, livestock and crops; and nobody has any real idea how toxic the sludge

is.

It's nice that the head of the EPA is coming. One wonders why a disaster of this magnitude didn't rise to the level that Sens. Tom Udall and Martin Heinrich would find it worthwhile to put their tasseled loafers on home ground.

But deeming sound bites and letters sufficient doesn't make it so. New Mexicans should hold them accountable to in turn hold the EPA accountable and ensure a more timely cleanup of the Animas than those New Mexico has received to date.

*This editorial first appeared in the Albuquerque Journal. It was written by members of the editorial board and is unsigned as it represents the opinion of the newspaper rather than the writers.*



<http://www.mysanantonio.com/opinion/editorials/article/Texas-could-lead-on-Clean-Power-Plan-6438264.php>

# Texas could lead on Clean Power Plan

Published 3:52 pm, Tuesday, August 11, 2015

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Texas Attorney General Ken Paxton's vow to sue the Obama administration over new air quality rules was predictable, but it also is a bad move on many levels.

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It was a foregone conclusion that Texas' highest elected officials would slam the Clean Power Plan.

Attorney General **Ken Paxton** has vowed to sue the Obama administration over the new environmental rules, which will dramatically cut carbon emissions from power plants. Likewise, Gov. **Greg Abbott** has pledged to lead the charge against what he characterized as an out-of-control government.

Taking politics out of the equation just for a moment (indulge us), such intransigence would make sense if Abbott and Paxton hailed from a coal-producing state such as Kentucky, Wyoming or West Virginia. The Clean Power Plan puts coal directly in its sights, shifting energy production toward solar, wind and natural gas. Under that equation, those states do suffer economically. But guess which state is primed for success? Texas. That's right. The Lone Star State could thrive under these rules.

Not only would Texans benefit from cleaner air, but this state leads the nation in wind energy production, is blessed with an abundance of sunshine and is home to one-third of the country's natural gas reserves.

The standards set for Texas in the Clean Power Plan's final rules are **less stringent** than those originally proposed. Texas needs to cut its carbon emissions by nearly 34 percent by 2030. The original proposal called for a cut of nearly 39 percent. The new plan also gives states two additional years before they need to be in compliance. That deadline is now 2022.

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Achieving compliance is within the state's reach. As **John Hall**, a policy expert with the **Environmental Defense Fund**, told us earlier this year, if Texas simply stays the course with planned retirements of older coal power plants coupled with new developments for solar and wind energy, "We are on track to achieve 71 percent of the required reductions."

Remember, Hall said this before the less-stringent final rules for Texas were announced.

At the very least, while Texas fights these new Environmental Protection Agency rules in court, state officials should develop a compliance plan as a contingency.

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We have no doubt that state officials and Texas-based utilities can craft a better plan to meet Texas' needs than a mysterious one developed by the EPA. This would open the door for possible cap-and-trade. It would also provide the market with certainty.

With these rules, we have again heard the all-too-familiar cry of government overreach. But, remember, the U.S. Supreme Court has ruled that the EPA can regulate greenhouse gas emissions, and power plants are the largest sources of carbon dioxide emissions, the key catalyst to climate change.

In light of Congressional gridlock and inaction, these rules represent the only substantive way for the Obama administration to mitigate the effects of climate change. The benefits of curbing carbon emissions will be felt for generations.

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# Water rule 'outreach' by EPA left much to be desired

by The Oklahoman Editorial Board *Published: August 12, 2015*

MANY citizens think the deck is stacked against them when dealing with government regulators. The tactics of Environmental Protection Agency officials during the development of the new “Waters of the United States” rule show those critics have a point.

That proposal will treat ditches and normally dry land as navigable waters under federal regulation, dramatically increasing federal power to impede local development and routine economic activity nationwide. When developing regulations, federal agencies are supposed to seek public input, particularly from those most affected. But information noted by Oklahoma’s U.S. senators shows the EPA’s outreach efforts were a farce.

In a letter sent to the head of the EPA, Sens. Jim Inhofe, R-Tulsa, and James Lankford, R-Oklahoma City, point out that public reports show the EPA sought to distort the public comment process. That’s not a sign of confidence by agency officials; it’s a sign they considered informed citizen input an impediment to their grandiose schemes.

Thus, the agency resorted to a public lobbying campaign to generate comments backing its efforts during the notice-and-comment process, according to a recent New York Times article.

To a degree, that effort succeeded. In March, EPA Administrator Gina McCarthy bragged that the agency had received more than 1 million comments with 87.1 percent in support of the proposed water rule. But Inhofe and Lankford note “the vast majority” of those comments provided only “generic support for Clean Water,” not “substantive comments on the rule ...”

In fact, Assistant Secretary of the Army Jo-Ellen Darcy concluded only 20,567 comments — 2 percent of the total — were unique. Of those unique, substantive comments, only 39 percent supported the proposed water rule.

Needless to say, there’s a big difference between supporting clean water and supporting regulations that declare a drainage ditch to be a navigable waterway.

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## Estuary program is a boon for our region

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There aren't many places on the face of the Earth where the people and the surrounding estuaries are as integrally connected as they are in south Louisiana.

Culturally, recreationally and economically, our estuaries are relevant to so many aspects of our lives that they are more than just expanses of beautiful natural resources; they are part of us.

So word that the U.S. Senate has voted to extend money for the National Estuary Program — and the local Barataria-Terrebonne National Estuary Program — is welcome, to say the least.

U.S. Sen. David Vitter, R-La., helped sponsor the measure, which pays for the local program and 27 others around the nation.

"Given that Louisiana's Barataria-Terrebonne Estuary plays an important role in protecting thousands of miles of our coastal wetlands and preserving our rich cultural heritage, Louisianans are certainly familiar with the need for a robust estuary program," Vitter said after the unanimous Senate vote.

Recently, Congress has spent about \$27 million a year on the national program, split up among 28 estuary programs. About \$600,000 per year has been going to each.

The new authorization, though, limits the amount of money the federal EPA can spend administering the program.

That is good news, too, because it means less of the money will go into federal bureaucracy and more of it can be spent on the urgent needs of the nation's estuaries.

The new measure also sets up a grant program that allows individual estuary programs to compete for extra money to combat problems facing the wetlands.

Here, that might mean more money for ongoing efforts to restore habitats that support everything from migrating birds to commercial fisheries to recreational fishing and boating.

Not only are our people heavily reliant on our estuaries, but those estuaries face pressing challenges from natural and manmade forces.

While our wetlands perform invaluable services for the people of our region, they are under constant pressure from erosion, subsidence and sea level rise.

This is a problem that grew steadily worse as it was neglected for decades. In more recent times, there has been increased awareness of the problem, but action on it has come slowly.

The National Estuary Program is an excellent example of a federal program that is doing good work and returning an excellent dividend on the investment it requires.

It is great to see that it will continue to serve the people and wildlife of south Louisiana — and that similar programs will continue in dozens of other locations.

Keep up the good work.

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## Court accuses EPA of 'filibustering' on pesticide safety



By Timothy Cama - 08/11/15 11:24 AM EDT

Getty Images

A federal court scolded the Environmental Protection Agency (EPA) for continually delaying a formal response to a request that it restrict a pesticide's use.

The Ninth Circuit Court of Appeals ordered the EPA late Monday to either issue a new regulation concerning the use of the pesticide chlorpyrifos or issue some other complete, formal response to the request by the end of October, more than eight years after conservation groups first filed the petition.

"Although filibustering may be a venerable tradition in the United States Senate, it is frowned upon in administrative agencies tasked with protecting human health," the court wrote in its opinion.

"We recognize the scientific complexity inherent in evaluating the safety of pesticides and the competing interests that the agency must juggle," the judges said. "However, EPA's ambiguous plan to possibly issue a proposed rule nearly nine years after receiving the administrative petition is too little, too late."

The court ruled that the EPA's continued delays are "egregious," and granted requests from the Pesticide Action Network North America and the Natural Resources Defense Council (NRDC) to force the EPA to act.

Chlorpyrifos is one of the most widely used agricultural pesticides, though it is banned from residential use. Conservation groups want more restrictions on it, citing evidence that links it to developmental problems, lowered brain function, loss of memory and other issues in children and agricultural workers.

Following a 2007 petition and court appearances, the EPA made pledges to decide on new restrictions in 2011, 2014, 2015 and now potentially 2016, but it never took final action.

"Every year, farmworkers and families in rural communities are exposed to chlorpyrifos, and EPA has dragged its feet too long on the issue of basic human health protection," Kristen Boyles, an Earthjustice attorney who represented the groups in court, said in a statement.

Veena Singla, a scientist at the NRDC, said the ruling "recognizes the seriousness of these threats to human health."

**TAGS: Environment Protection Agency, Pesticides**

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